

## State of Utah

# FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin.

R307-210

Time filed:

Code ref. (R no.):

1. Agency: Environmental Quality/Air Quality

Room no.:

Building:

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Street address 2:

City,state,zip: SALT LAKE CITY, UT 84116-3085

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**Contact person(s):****Name:****Phone:****Fax:****E-mail:****Remove:**

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(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

**2. Title of rule or section (catchline):**

Standards of Performance for New Stationary Sources (NSPS)

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**

Subsection 19-2-104(1)(a) states that the Air Quality Board may make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

**4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:**

The rule has been revised 2 times (DAR #27665 published February 15, 2005, and effective on April 19, 2005, and DAR #28601 published May 1, 2006) in the past five years. No comments were received on these actions, and no other written comments were received since the last five-year review.

**5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**

Under the Clean Air Act (42 U.S.C. 7411(c)), "Each State may develop and submit to the Administrator of Environmental Protection Agency (EPA) a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this chapter to implement and enforce such standards." Utah was delegated authority to permit new sources many years ago and intends to maintain that authority rather than allowing the federal government the authority to permit and enforce these standards within Utah. To maintain that authority, Utah must adopt and implement the provisions of 40 CFR Part 60, the regulation

implementing 42 U.S.C. 7411.	
<b>6. Indexing information - keywords (maximum of four, in lower case):</b>	air pollution, stationary sources, new source review
<b>7. Attach an RTF document containing the text of this rule change (filename):</b>	There is currently a document associated with this filing. <input type="button" value="Rule Text"/>
<b>To the agency:</b> Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.	

**AGENCY AUTHORIZATION**

<b>Agency head or designee, and title:</b>	Heying, M. Cheryl Planning Branch Manager	<b>Date</b> (mm/dd/yyyy):	6/1/2006
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*M. Cheryl Heying* 5-25-06

*Effective on June 16, 2006*

**R307. Environmental Quality, Air Quality.**

**R307-210. Stationary Sources.**

**R307-210-1. Standards of Performance for New Stationary Sources (NSPS).**

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 2005, except for Subparts Cb, Cc, Cd, Ce, BBBB, and DDDD, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

**KEY: air pollution, stationary sources, new source review  
2006**

**Notice of Continuation: August 15, 2001**

**19-2-104**

**19-2-108**